

SENATE BILL NO. 563

BY SENATOR WHITE

AN ACT

To enact R.S. 17:58.2(I), 67, and 67.1 through 67.4, relative to the Southeast Baton Rouge Community School System; to provide for the school system, including its establishment and geographic boundaries; to provide for the school board and an interim board of control; to provide for board membership, apportionment, qualifications, method of selection, terms of office, filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to provide relative to facilities and property; to provide relative to the collection and remittance of certain taxes; to provide relative to the provision of certain student services; to provide relative to certain applications for funding; to provide for the reapportionment of the East Baton Rouge Parish School Board; to provide for effectiveness and for implementation; and to provide for related matters.

Notice of intention to introduce this Act has been published
as provided by Article III, Section 13 of the Constitution of
Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:58.2(I), 67, and 67.1 through 67.4 are hereby enacted to read as follows:

§58.2. East Baton Rouge Parish School Board; reapportionment; election districts;
terms

* * *

I.(1) In addition to any other requirements in this Section, in the event the Southeast Baton Rouge Community School Board begins the actual operation of educating students within its jurisdiction as a separate school system in accordance with R.S. 17:67, the East Baton Rouge Parish School Board shall develop a plan to divide the parish, excluding the geographic area within the boundaries of the Southeast Baton Rouge Community School System,

1 into single-member districts from each of which one member of such board
2 shall be elected. Such districts shall be drawn with as equal population as
3 possible, using population figures from the most recent federal decennial census.

4 (2) Prior to the final adoption of such plan, the East Baton Rouge Parish
5 School Board shall order a public hearing on the proposed plan and shall cause
6 to be published in a newspaper published within the parish of East Baton
7 Rouge, with parishwide circulation, at least twenty days prior to the date of
8 such hearing, the time and place thereof, a general summary and map of the
9 proposed plan, and the times and places where copies of the proposed plan are
10 available for public inspection.

11 (3) Notwithstanding any law to the contrary, each elected member of the
12 East Baton Rouge Parish School Board holding office on the date the Southeast
13 Baton Rouge Community School Board begins the actual operation of educating
14 students within its jurisdiction as a separate school system shall serve the
15 remainder of the term of office for which he was elected. If a vacancy occurs
16 during his term of office, it shall be filled in accordance with law from districts
17 in effect at the time the office is filled.

18 (4) At the next date on which a regular election for the election of
19 members of the East Baton Rouge Parish School Board would be held following
20 the date the Southeast Baton Rouge Community School Board begins the actual
21 operation of educating students within its jurisdiction as a separate school
22 system, the members of the East Baton Rouge Parish School Board shall be
23 elected from single-member districts adopted in accordance with this
24 Subsection. The members so elected and their successors in office shall serve
25 four-year concurrent terms. Thereafter, the East Baton Rouge Parish School
26 Board shall be reapportioned as otherwise provided by law.

27 * * *

28 §67. Southeast Baton Rouge Community School Board and school system;
29 creation; membership; qualifications; apportionment; election;
30 powers, duties, and functions; system operation

1 A.(1) Notwithstanding any provision of law to the contrary, upon the
2 appointment of members of the interim school board as provided in R.S.
3 17:67.1, there shall be established a separate school system and school board for
4 the Southeast Baton Rouge community in East Baton Rouge Parish. The school
5 board shall be designated the Southeast Baton Rouge Community School Board.
6 The board shall be composed of nine members, one from each of the single-
7 member districts provided for in Subsection B of this Section, who shall be
8 electors and shall meet the qualifications for office provided in R.S. 17:52(D)
9 and (E).

10 (2) The geographic boundaries of the school system shall be as follows:
11 Commence at a point where the centerlines of Interstate 10 and Interstate 12
12 intersect; thence proceed in an easterly direction along the centerline of
13 Interstate 12 to its intersection with the Amite River; thence proceed in a
14 southerly direction along the centerline of the Amite River to its intersection
15 with Bayou Manchac; thence proceed in a westerly direction along the
16 centerline of Bayou Manchac to its intersection with Interstate 10; thence
17 proceed in a northwesterly direction along the centerline of Interstate 10 to the
18 point of beginning.

19 B.(1) The interim school board shall develop and adopt a plan to divide
20 the geographic area encompassed by the Southeast Baton Rouge Community
21 School System into nine single-member districts, from each of which one
22 member of the Southeast Baton Rouge Community School Board shall be
23 elected. The districts shall be drawn in such a manner that each member of the
24 Southeast Baton Rouge Community School Board represents as nearly as
25 possible the same number of persons, using population figures from the latest
26 federal decennial census, and shall be effective in time for qualifying for the
27 election as provided by law generally for parish school board members.

28 (2) Prior to the final adoption of the apportionment plan required by
29 Paragraph (1) of this Subsection, the interim school board shall order a public
30 hearing on the proposed plan and shall cause to be published in its official

1 journal, at least twenty days prior to the date of such hearing, the time and
2 place thereof, a general summary and map of the proposed plan, and the times
3 and places where copies of the proposed plan are available for public inspection.

4 C. The initial members of the Southeast Baton Rouge Community School
5 Board shall be elected at the time and place provided by law generally for
6 parish school board members. The members of the Southeast Baton Rouge
7 Community School Board elected in 2014 shall take office as otherwise generally
8 provided by law for parish school board members, and such members and their
9 successors in office shall serve for four-year concurrent terms.

10 D. Vacancies on the board shall be filled as generally provided by law
11 for parish school boards.

12 E.(1) The organization of the Southeast Baton Rouge Community School
13 Board as well as the board's powers, duties, functions, and responsibilities shall
14 be as generally provided by law for local public school boards. Compensation
15 for board members and reimbursement for expenses shall be as generally
16 provided by law for city, parish, and other local public school board members.

17 (2) The Southeast Baton Rouge Community School Board shall adopt
18 rules, regulations, and procedures consistent with law to effectuate this Section
19 and to administer the duties, functions, and responsibilities of the board.

20 F. The Southeast Baton Rouge Community School Board shall begin
21 actual operation of providing for the education of students within its
22 jurisdiction on July 1, 2013. Beginning on the date the school board begins
23 actual operation of providing for the education of students and thereafter,
24 notwithstanding any provision of law or rule or regulation to the contrary and
25 pursuant to the duty and responsibility placed with the legislature by Article
26 VIII, Section 1 of the Constitution of Louisiana to establish and maintain a
27 public educational system and the authority granted the legislature by Article
28 VIII, Section 10(A) of the Constitution of Louisiana to enact laws affecting
29 parish school board systems in existence on the effective date of the constitution,
30 all lands, buildings, and improvements, facilities, and other property having

1 title vested in the public and subject to management, administration, and
2 control by the East Baton Rouge Parish School Board for public education
3 purposes but located within the geographic boundaries of the Southeast Baton
4 Rouge Community School System or used to provide student transportation
5 services to such facilities, or both, shall be managed, administered, and
6 controlled by the Southeast Baton Rouge Community School Board.

7 G. The East Baton Rouge Parish School System shall transfer ownership
8 of at least fifty school buses with a sixty-passenger capacity that are of equal
9 quality, age, and condition to those owned and operated by the East Baton
10 Rouge Parish School System to the Southeast Baton Rouge Community School
11 System. The number of school buses so transferred shall include a sufficient
12 number of handicapped-accessible buses to be used to transport the students
13 needing special education services.

14 H. The East Baton Rouge Parish School System shall provide extended
15 school year services, through August 31, 2013, to public and non-public school
16 students residing within the geographic boundaries of the Southeast Baton
17 Rouge Community School System who qualified to receive such services prior
18 to June 30, 2013.

19 I. The East Baton Rouge Parish School System and any taxing district
20 created by the East Baton Rouge Parish School System shall be the recipient of
21 all sales and use taxes levied for school purposes collected within the geographic
22 boundaries of the Southeast Baton Rouge Community School System and
23 remitted by the tax collector through June 30, 2013. As of July 1, 2013, the
24 Southeast Baton Rouge Community School System shall be the recipient of all
25 sales and use taxes levied for school purposes collected within the geographic
26 boundaries of the Southeast Baton Rouge Community School System. The sales
27 and use tax collectors shall begin remitting all sales and use taxes levied for
28 school purposes collected within such boundaries, including delinquent
29 payments, to the Southeast Baton Rouge Community School System on July 1,
30 2013.

1 J. The East Baton Rouge Parish School System shall receive all ad
2 valorem and property taxes levied for school purposes collected within the
3 geographic boundaries of the Southeast Baton Rouge Community School
4 System and remitted by the tax collector through June 30, 2013. As of July 1,
5 2013, all ad valorem and property taxes levied for school purposes collected
6 within the geographic boundaries of the Southeast Baton Rouge Community
7 School System, including delinquent payments, shall be remitted by the tax
8 collector to the Southeast Baton Rouge Community School System.

9 K. For every application made by the East Baton Rouge Parish School
10 System for funding for the 2013-2014 school year which has a due date on or
11 before August 15, 2013, the East Baton Rouge Parish School System shall
12 disaggregate the data for the Southeast Baton Rouge Community School System
13 and shall submit two applications, one for the East Baton Rouge Parish School
14 System and one for the Southeast Baton Rouge Community School System.

15 L. The president of the State Board of Elementary and Secondary
16 Education shall appoint a committee of experts to make non-binding
17 recommendations regarding the apportionment of financial obligations between
18 the Southeast Baton Rouge Community School System and the East Baton
19 Rouge Parish School System.

20 M. Consistent with Article VIII of the Louisiana Constitution of 1974,
21 relevant to equal educational opportunities, no state monies shall be used to
22 discriminate or to have the effect of discriminating and failing to provide an
23 equal educational opportunity for all students.

24 §67.1. Southeast Baton Rouge Community School System; interim school
25 board

26 A. Notwithstanding any provision of law to the contrary, upon the
27 appointment of the members thereof as provided in Subsection C of this Section,
28 there shall be and there is hereby created an interim school board for the
29 Southeast Baton Rouge Community School System which shall continue in
30 existence until the taking of office of the initial elected members of the Southeast

1 Baton Rouge Community School Board as provided by R.S. 17:67.

2 B.(1) The interim school board shall be composed of seven members
3 appointed at large as provided in Subsection C of this Section. An interim
4 school board member shall have attained the age of eighteen, be an elector, have
5 resided in the state for the two years preceding appointment, have been
6 domiciled within the geographic boundaries of the school system for at least one
7 year preceding appointment, meet the qualifications provided in R.S. 17:52(D),
8 and reside within the geographic boundaries of the school system.

9 (2) Membership on the interim school board shall not disqualify an
10 otherwise eligible person from qualifying as a candidate for election as a
11 member of the Southeast Baton Rouge Community School Board.

12 C.(1) All members of the interim school board shall be appointed by the
13 governor within thirty days after the effective date of this Section and shall
14 serve until the taking of office of the initial members of the Southeast Baton
15 Rouge Community School Board elected as provided in R.S. 17:67.

16 (2) Members appointed by the governor shall be from a list of nominees
17 provided as follows:

18 (a) The members of the Louisiana Senate elected from district numbers
19 six and sixteen shall each nominate three persons meeting the qualifications for
20 office for each position to be appointed by the governor.

21 (b) The members of the Louisiana House of Representatives elected
22 from district numbers sixty-five, sixty-six, sixty-eight, and sixty-nine shall each
23 nominate two persons meeting the qualifications for office for each position to
24 be appointed by the governor.

25 (3) A vacancy on the interim school board shall be filled in the same
26 manner as the original appointment.

27 D.(1) The interim school board shall constitute a body corporate in law.

28 (2) The organization of the interim school board as well as the board's
29 powers, duties, functions, and responsibilities shall be as provided by law
30 generally for city, parish, and other local public school boards.

1 (3) Members of the interim school board shall serve without
2 compensation.

3 E. The interim school board shall adopt rules, regulations, and
4 procedures consistent with law to effectuate this Section and to administer the
5 duties, functions, and responsibilities of the interim board.

6 F. The provisions of R.S. 42:11 through 28, relative to open meetings
7 and the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of
8 1950, relative to public records shall be applicable to the interim school board
9 and its members.

10 G. All authority granted to the interim school board by this Section shall
11 expire upon the taking of office of the initial members of the Southeast Baton
12 Rouge Community School Board elected as provided by R.S. 17:67(C).
13 However, the elected school board may take formal action to continue the
14 interim school board as an advisory body on matters previously under the
15 jurisdiction of the interim board.

16 H. The East Baton Rouge Parish School Board shall:

17 (1) Work cooperatively and collaboratively with the interim school
18 board and the Southeast Baton Rouge Community School Board to effect the
19 transfer of the students, buildings and other facilities, property, instructional
20 materials, buses, and all other assets related to the schools located within the
21 prescribed geographic boundaries of the Southeast Baton Rouge Community
22 School System in an efficient and expeditious manner.

23 (2) Provide the interim school board for the Southeast Baton Rouge
24 Community School System with immediate and complete access to:

25 (a) All school buildings and facilities associated with the schools located
26 within the geographic boundaries of the Southeast Baton Rouge Community
27 School System. Such access shall include making the school buildings and
28 facilities to be transferred available, free of charge, to the interim and elected
29 school boards for the Southeast Baton Rouge Community School System for
30 purposes of conducting board and community meetings and other functions and

1 activities related to the operation of the Southeast Baton Rouge Community
2 School System.

3 (b) All student records and any other student-related files associated
4 with students enrolled in the schools to be transferred to the Southeast Baton
5 Rouge Community School System.

6 (c) All financial records associated with the schools to be transferred to
7 the Southeast Baton Rouge Community School System, including those related
8 to building maintenance, taxes, insurance, and indebtedness.

9 I. The East Baton Rouge Parish School Board shall not:

10 (1) Interfere, or impede in any way, with the processes to transfer the
11 students, buildings and other facilities, property, instructional materials and
12 equipment, buses, and all other assets related to the schools located within the
13 geographical boundaries of the Southeast Baton Rouge Community School
14 System to the Southeast Baton Rouge Community School Board.

15 (2) Sell, transfer, or otherwise remove any asset or thing of value,
16 movable or immovable, corporeal or incorporeal, attributable to the schools to
17 be transferred to the Southeast Baton Rouge Community School System prior
18 to such transfer.

19 (3) Incur, transfer, or assign any debt or other responsibility or
20 obligation to schools to be transferred to the Southeast Baton Rouge
21 Community School System that is not properly attributable to such schools.

22 §67.2. Redistribution of minimum foundation program to other school systems

23 To ensure that the minimum foundation program allocation to school
24 systems is not negatively impacted by the creation of the Southeast Baton Rouge
25 Community School District, beginning in Fiscal Year 2013-14 and continuing
26 through the 2017-18 Fiscal Year, the State Board of Elementary and Secondary
27 Education shall identify the districts on which there is a negative impact and
28 determine the amount of the negative impact. The State Board of Elementary
29 and Secondary Education shall withhold the total of the amounts of the negative
30 impact on all districts from the total minimum foundation program allocation

1 to the Southeast Baton Rouge Community School District and transfer those
2 funds to the impacted school districts.

3 §67.3. Benefits of reemployed retirees and Legacy Benefit Trust Fund for
4 Retirees of East Baton Rouge Parish School System

5 A. East Baton Rouge Parish School System shall annually provide to the
6 Southeast Baton Rouge Community School System an itemization of all
7 postemployment benefits to be paid by the East Baton Rouge Parish School
8 Board for the benefit of every individual hired by the Southeast Baton Rouge
9 Community School System as a full-time employee. Southeast Baton Rouge
10 Community School System shall reimburse East Baton Rouge Parish School
11 System at least quarterly for all post employment benefits for any employee
12 hired by Southeast Baton Rouge Community School System as a full-time
13 employee until all post employment benefits to which said individual is entitled
14 have been paid.

15 B. A trust to be known as the “Legacy Benefit Trust for Retirees of the
16 East Baton Rouge Parish School System” shall be established pursuant to R.S.
17 17:1224. Within twelve months of beginning operation, the Southeast Baton
18 Rouge Community School System shall deposit into the trust an initial sum of
19 two million five hundred thousand dollars. On or before July 1, 2012, the
20 president of the State Board of Elementary and Secondary Education shall
21 appoint a study committee to analyze the impact of separation of the Southeast
22 Community School System on post employment benefits owed to individuals
23 who retired from the East Baton Rouge Parish School System prior to operation
24 of the Southeast Community School System. The study committee shall
25 determine the proportional amount of post employment benefits which the
26 Southeast Baton Rouge Community School District shall be required to deposit
27 into the trust and shall determine the schedule for such payments. The study
28 committee shall have the authority to modify the payment schedule until such
29 time as Southeast Baton Rouge Community School District makes the final
30 payment.

1 C. In the event it is determined by an actuarial study that the funds on
2 deposit in the Legacy Benefit Trust for Retirees of the East Baton Rouge Parish
3 School System are sufficient to pay the costs of the legacy benefits due to
4 individuals who retired from the East Baton Rouge Parish School System prior
5 to July 1, 2013, Southeast Baton Rouge Community School System shall not be
6 required to make any additional payments to the Legacy Benefit Trust for
7 Retirees of the East Baton Rouge Parish School System.

8 §67.4. Payments to East Baton Rouge Parish Educational Facilities
9 Improvement District

10 A. On or before July 1, 2013, the East Baton Rouge Parish Facilities
11 Improvement District shall provide to the Southeast Baton Rouge Community
12 School Board a schedule of values for any construction completed within the
13 boundaries of the Southeast Baton Rouge Community School System with the
14 proceeds of Qualified School Construction Bonds issued prior to July 1, 2012,
15 an accounting of payments made and to be made through June 30, 2012, on said
16 bonds, and a payment schedule showing the unpaid principal and interest due
17 for said projects.

18 B. Beginning on July 1, 2013, the Southeast Baton Rouge Community
19 School System shall reimburse East Baton Rouge Parish Facilities Improvement
20 District an amount equal to the percentage of the debt service attributable to
21 the construction completed within the boundaries of the Southeast Baton Rouge
22 Community School District. The reimbursement shall be made to East Baton
23 Rouge Parish Educational Facilities Improvement District within thirty days of
24 receipt by the Southeast Baton Rouge Community School District of
25 confirmation of payment of the debt service.

26 Section 2. Any high school student residing within the geographic
27 boundaries of the Southeast Baton Rouge Community School System or the East
28 Baton Rouge Parish School System may elect to remain enrolled in the high school
29 he was attending on the effective date of this Act, until such time as the student
30 graduates from high school. Such student shall be included in the membership count

1 for the school system in which he is enrolled for all purposes, including state funding
 2 through the Minimum Foundation Program formula.

3 Section 3. This Act shall take effect and become operative if and when the
 4 proposed amendment of Article VIII, Section 13(D)(1) of the Constitution of
 5 Louisiana contained in the Act which originated as Senate Bill No. 299 of this 2012
 6 Regular Session of the Legislature is adopted at the statewide election to be held on
 7 November 6, 2012, and becomes effective, or the proposed amendment adding
 8 Article VIII, Section 13(D)(3) of the Constitution of Louisiana contained in the Act
 9 which originated as Senate Bill No. 305 of this 2012 Regular Session of the
 10 Legislature is adopted at the statewide election to be held on November 6, 2012.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____